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DOCKET NO. S-20651A-09-0029

MOTION: A REQUEST FOR MEDIATION

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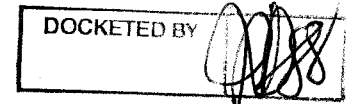
Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

2009 JUN 10 P 2:47

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

JUN 10 2009



Pursuant to the option presented my Administrative Law Judge, Mr. Marc E. Stern, at the pre-hearing on 3-23-09, I, Kyle Schmierer, formally request an official arbitration session with an impartial Judge as the mediator to settle the dispute regarding the false and unjust complaint against me in DOCKET NO. S-20651A-09-0029, by the Arizona Corporation Commission.

This request for mediation in no way waives my right to a settlement, or hearing until and unless all parties accept the mediation and it's officially approved by the Commissioners. I was told that the 5 member elected board of the AZ Corporation Commission must accept any mediation or any settlement in order for it to be legally binding, therefore I hereby retain my right to a hearing and a trial by a jury of my peers as guaranteed by the Constitution of the United States of America until and unless the mediation or settlement is approved by the Commissioners.

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I request an investigation into the behavior of the Securities Division in my case.

On 3-30-2009 Julie Coleman, Chief Counsel of Enforcement of the Arizona Corporation Commission, told me that Judge Stern was wrong and that mediation could not and would not take place. I was told I would have the opportunity to go over the proposed consent order and note which parts I did not agree with and wanted to change. Yet only a day later a request for a hearing was sent. This bypasses the binding oral agreement that I would be given time to negotiate the consent order as Judge Stern wanted. Additionally, the enforcement division is trying to stop me from requesting mediation by stating it was not possible even though Judge Stern granted me this option.

I formally request an official arbitration session with an impartial Judge as the mediator to settle this matter as soon as possible.

Sincerely, Kyle Schmierer 6-10-2009

Kyle Schmierer 220 West Behrend Dr., Phoenix, AZ 85027 (602)218-5057